

32692

Customer Number

Patent
Case No.: 48317US030**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: JAPUNTICH, DANIEL A.

Application No.: 09/678580 Group Art Unit: 3743

Filed: October 3, 2000 Examiner: Aaron J. Lewis

Title: FIBROUS FILTRATION FACE MASK HAVING A NEW
UNIDIRECTIONAL FLUID VALVE

APR 07 2005

INFORMATION DISCLOSURE STATEMENT

Mail Stop: Amendment
Commissioner for Patents
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March 21, 2005
Date

Signed by: Susan M. Ducko

Dear Sir:

Pursuant to 37 CFR §§ 1.56, 1.97, and 1.98, enclosed is a completed Form PTO-1449, citing references submitted for consideration by the Examiner. It is respectfully requested that the Examiner initial and return the enclosed Form PTO-1449 to indicate that each reference has been considered.

Enclosed are copies of European Search Reports for European Application Nos. 01121471 and 96305203, which correspond to U.S. Patent RE37,974. Please note that all references have been cited only as technical background or "Category A" documents.

Copies of any cited foreign patents, foreign publications, non-patent literature documents, and any pending U.S. applications filed before June 30, 2003, are enclosed. Copies of any pending U.S. applications filed after June 30, 2003 that can be accessed on the USPTO's IFW system are not enclosed as per USPTO Waiver dated September 21, 2004. Copies of any U.S. patents and published U.S. patent applications are not enclosed.

If a first Office Action on the merits has been mailed prior to the mailing date of this document, please charge the fee for consideration of an Information Disclosure Statement set

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forth in 37 CFR § 1.17(p), and if necessary, please charge any additional fccs, or credit any overpayment to Deposit Account No. 13-3723.

Respectfully submitted,

March 21, 2005

Date

By: 
Karl G. Hanson, Reg. No.: 32,900
Telephone No.: (651) 736-7776

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

Substitute for form 1449A/PTO (mc d)		Application Number	09/678580
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date	October 3, 2000
(Use as many sheets as necessary)		First Named Inventor	Japuntich, Daniel A.
Page 1 of 1		Art Unit	3743
		Examiner Name	Aaron J. Lewis
		Attorney Case Number	48317US030

U.S. Patent Documents					
Exam. Init.*	Cite No.	Document Number <small>Doc. Number-(Kind Code If Known)</small>	Publication Date or Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US- 6,854,463	02-15-2005	Japuntich et al.	
	A2	US- 6,843,248	01-18-2005	Japuntich et al.	
	A3	US- RE37,974	02-04-2003	Bowers	
	A4	US-			
	A5	US-			
	A6	US-			
	A7	US-			
	A8	US-			
	A9	US-			
	A10	US-			
	A11	US-			

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Exam. Init.*	Cite No.	Foreign Patent Document <small>Ctry. Code</small> <small>Number-KindCode (If known)</small>		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	B1	WO 93/24181		12-09-1993		
	B2	EP 0284353A2		09-28-1988		
	B3	FR 791807		12-14-1935		X
	B4					
	B5					
	B6					
	B7					

OTHER DOCUMENTS						
Exam. Init.*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published				Translation (Check if yes)
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April 7, 2005

Signed by: Susan M. Dacko

Dear Sir:

In accordance with the continuing duty of candor and good faith that is to be demonstrated before the United States Patent and Trademark Office, applicants submit copies of Answers in the civil litigation between the 3M Company and the 3M Innovative Properties Company ("3M") and Moldex-Metric, Inc. and the Louis M. Gerson Co., Inc. In both lawsuits, the defendants, Moldex-Metric, Inc. and the Louis M. Gerson Co., Inc. have filed Answers to the Complaints filed by 3M. In so doing, Moldex has filed counter-claims for a declaratory judgment of noninfringement and invalidity of U.S. Patent RE 37,974 to Bowers and U.S. Patent 6,843,248 to Japuntich et al. Moldex contends that each of these patents are invalid under 35 USC § 102 and 35 USC § 103. Moldex also asserts that both patents are invalid for "containing a specification and claims which do not meet one or more of the requirements of 35 USC § 112, i.e., written description, enablement, best mode, and definiteness."

The Louis M. Gerson Company also asserts that the claims of the '974 patent are invalid under 35 USC § 101, 35 USC § 112, and/or § 251 and under 35 USC §§ 102 and 103.

Please contact applicants' attorney if the Examiner desires more information regarding the defenses raised by each of the defendants.

Respectfully submitted,

April 7, 2005
Date

By:

Karl G. Hanson, Reg. No.: 32,900
Telephone No.: (651) 736-7776

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

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		Examiner Name	Aaron J. Lewis
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		Doc. Number-(Kind Code if Known)			
	A1	US-			
	A2	US-			
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	A4	US-			
	A5	US-			
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	A8	US-			

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	B1						
	B2						
	B3						
	B4						
	B5						
	B6						

OTHER DOCUMENTS

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	C1	Moldex's Answer to Second Amended Complaint and Counterclaims (3M Company and 3M Innovative Properties Company v. Moldex-Metric, Inc., Civil Action No. 03-5292 MJD/JGL, United States District Court for the District of Minnesota)	
	C2	Louis M. Gerson Company, Inc.'s Answer and Counterclaims to Plaintiffs' Amended Complaint (3M Innovative Properties Company and 3M Company v. Louis M. Gerson Co., Inc., Civil No. 05-CV-26 (MJD/JGL), United States District Court for the District of Minnesota)	
	C3		
	C4		

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